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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,548	01/18/2001	Christopher A. Rygaard	1010722.991103	6480

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EXAMINER
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D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/764,548

**Applicant(s)**

RYGAARD, CHRISTOPHER A.

**Examiner**

Stephen M. D'Agosta

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 and 36-40 is/are allowed.
- 6) ☒ Claim(s) 29-33 and 35 is/are rejected.
- 7) ☒ Claim(s) 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 29-33 and 35 have been considered but are moot in view of the new ground(s) of rejection.

1. The applicant's amendment to claim 36 is novel since it recites the centralized security enforcement node, execution of a mobile application that jumps and first, second and third modules. These limitations are also found in claim 22, previously allowed.

2. The amendment to claim 26 does not recite the same design details as claims 22 and 36, hence it is rejected again (see below). The applicant can either add in disclosure of first, second and third modules and/or amend with objected claim 34.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 29-33 and 35-40** rejected under 35 U.S.C. 102(a) as being anticipated by Jansen et al. NIST Special Publication 800-19 – Mobile Agent Security (hereafter Jansen).

As per **claims 29 and 36**, Jansen teaches a method (eg. mobile application (MA) security system (title and section 3.2, bottom paragraph on page 9)), including:

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storing, at a centralized security enforcement node, prior to jump to a receiving host from a dispatching host (page 2, 2<sup>nd</sup> paragraph teaches MA hopping from peer to peer, see Figure 1 also and also centralized security and dispatching host), a first content data associated with a mobile application;

receiving, at the centralized security enforcement node, from the receiving host, second content data associated with the mobile application prior to instantiation of the mobile application at a receiving host AND detecting, at the centralized security enforcement node, unwanted changes in contents of the mobile application during comparing the first and second content data (a. Section 3.2, page 9, 1<sup>st</sup> paragraph teaches protecting against modification of code, ie. comparing the original to the one received AND section 4.2.2 Mutual Itinerary Recording teaches tracking and comparing the Itinerary list as it traverses the peers – Since Jansen discloses both central and distributed CSEN's (see claim 1 above), this reads on using one stored copy for comparison purposes. Further to this point are the lists/tables, bottom list on page 14 and top list on page 19, which disclose many possible countermeasure means – one skilled in the art would provide for a one-to-one code compare at a minimum, b. page 13-14, Protecting the Agent Platform, teaches a “reference monitor” that cannot be bypassed AND pages 18-19, teach central or distributed architecture, c. page 5, section 2.2.4, Unauthorized Access teaches “modifying the agent’s data or code” AND section 2.3.4, Alteration and pages 18-19, Protecting Agents section, 3<sup>rd</sup> paragraph, d. page 21, Section 4.2.2, Mutual Itinerary Recording teaches tracking of an agent’s itinerary).

As per **claims 30 and 37**, Jansen teaches the method claim 29/36, further including preventing instantiation of the mobile application on the receiving host responsive to detecting unwanted changes (page 3, Denial of Service section 2.1.2, teaches “malicious code” being introduced by an outside person or by an internal test engineer, etc. AND page 19, top paragraph teaches IBM Aglets prevent receiving platform from accepting agents from an agent platform not defined as a trusted peer).

As per **claims 31-33 and 38-40**, Jansen teaches claim 29/36, wherein receiving includes receiving the second content data associated with the mobile application, responsive to the mobile application jumping from an untrusted host to the receiving host, storing the first content data responsive to creating the mobile application, providing a copy of the mobile application responsive to detecting unwanted changes (page 3, Denial of Service section 2.1.2, teaches “malicious code” being introduced by an outside person or by an internal test engineer, etc. AND page 19, top paragraph teaches IBM Aglets prevent receiving platform from accepting agents from an agent platform not defined as a trusted peer – the examiner notes that Jansen’s ability to store and compare software code means that he has/stores “trusted code” to compare against, hence if modified code is received, he will discard it and send the trusted code. Also see Section 3.2, page 9, 1<sup>st</sup> paragraph teaches protecting against modification of code, ie. comparing the original to the one received AND section 4.2.2 Mutual Itinerary Recording teaches tracking and comparing the Itinerary list as it traverses the peers).

As per **claim 35**, Jansen teaches the method of claim 29, wherein the first and second content are related to one from the group containing codes state, and itinerary (see page 17, section 4.1.4, State Appraisal section and page 21, section 4.2.2, Mutual Itinerary Recording and Itinerary Recording with Replication/Voting sections).

### ***Allowable Subject Matter***

1. **Claims 22-28 and 36-40** are allowed since they contain considerable more detail especially with regard to the inter-workings of the jumping process and multiple modules utilized.

2. **Claim 34** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This claim teaches a highly detailed design not found in the prior art of record.

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**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
4-22-2005

